FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 201 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. V.A. Gangal and Chandrakant Yadav for petitioner.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. RCS No. 95 of 1998 was dismissed by the learned Civil Judge, J.D., Igatpuri by judgment and order dated 9/1/2001. Being aggrieved by the said dismissal order, the plaintiff filed Appeal No. 132 of 2001 before the District Court at Nasik. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 14/9/2006.

. Thepetitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide

the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Status quo granted earlier to continue for two weeks. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)